

Appln No. 09/147,970

Supplemental Amendment dated June 3, 2004

REMARKS

Claims 1 - 34 were presently pending pursuant to the Amendment submitted on March 19, 2004, and, as such, are indicated hereinabove as "previously presented".

New Claims 35 - 72 have been added. The Applicants request entry of new Claims 35 - 72 and consideration thereof when the Examiner undertakes an examination of pending Claims 1 - 34.

The Applicants submit that no new matter has been added.

New independent Claim 35 calls for (underlining added for emphasis): ... A method for transferring data from a first end terminal to a second end terminal using a first switch and a second switch, selectively by line-switching or packet switching, comprising: ... a) locating the first switch between the first end terminal and an access point of a packet-switching network, the first switch being part of a line-switching network or having access to a line-switching network; ... b) establishing a connection via the first switch through the line-switching network from the first end terminal to the access point of the packet-switching network; ... c) line-switching transferring of non-packetized data through said connection from the first end terminal to the access point of the packet-switching network; ... d) packetizing of the data into data packets and packet-switching transferring of the data packets through the packet-switching network from the access point to the second switch; ... e) checking repeatedly whether a control signal exists for transferring to a line-switching connection to the second switch; ... f) establishing the line-switching

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connection, during an existing transfer, through the line-switching network from the first switch to the second switch with a presence of the control signal, if the line-switching connection is not yet present; and ... g) changing-over to a line-switching data transfer during the existing transfer and transferring data over the line-switching connection to the second switch and from the second switch to the second end terminal.

Claim 35 recites locating the first switch between the first end terminal and an access point of the packet-switching network. Both in Jonas and Arango, the switch (router) selecting transferring of the data by line-switching or packet-switching is located not between the end terminal and an access point of the packet switching network, but within the access point (POP) of a packet-switching network. In particular, access point 220 of Arango is notably an access point to the packet-switching network 230. In Jonas, the router 20 is also an access point to the packet-switching network, e.g., claim 1 of Jonas states that the router is permanently coupled to the packet-switching network.

Claim 35 also recites the feature of establishing via the first switch a connection through the line-switching network from the first end terminal to the access point of the packet-switching network. In Arango, access link 212, and in Jonas, the link between the host 1 and router 20, do not pass a first switch which selects the network (see feature (f) of claim 35) but goes directly from the end terminal to the access point of the packet-switching network.

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Claim 35 further recites line-switching transferring of non-packetized data from the first end terminal to the access point of the packet-switching network. Both Arango and Jonas only disclose the transferring of packetized data to the access point of the packet-switching network. A transferring of non-packetized data is neither disclosed nor would it make sense in the Arango and Jonas references.

Claim 35 still further recites the feature of packetizing of the data into data packets and packet-switching transferring of the data packets through the packet-switching network from the access point to the second switch. As in Arango and Jonas, the packets are in packetized form from the beginning, the step of packetizing of the data into data packets when transmitting the data over the packet-switching network does not take place both in Arango and Jonas.

Accordingly, the Applicants submit that Claim 35 is novel and non-obvious in view of the cited Arango and Jonas references.

Claims 36 - 54 are dependent on Claim 35. As such, these claims are believed allowable based upon Claim 35.

New independent Claim 55 calls for (underlining added for emphasis): ... A method for transferring data from a first end terminal to a second end terminal, selectively by line-switching or packet switching, comprising: ... a) establishing a connection through a line-switching network from the first end terminal to an access point of a packet switching network; ... b) line-switching transferring of non-packetized data through said connection from the first end terminal to the access point

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of the packet-switching network; ... c) packeting of the data into data packets and packet-switching transferring of the data packets through the packet-switching network from the access point to the second end terminal; ... d) checking repeatedly whether a control signal exists for transferring to a line-switching connection to the second end terminal; ... e) establishing the line-switching connection, during an existing transfer, through the line-switching network from the first end terminal to the second end terminal with a presence of the control signal, if the line-switching connection is not yet present; and ... f) changing-over to a line-switching data transfer during the existing transfer and transferring data over the line-switching connection to the second end terminal.

Claim 55 recites line-switching transferring of non-packetized data from the first end terminal to the access point of the packet-switching network. As mentioned above, both Arango and Jonas do not disclose the transferring of non-packetized data to an access point of the packet-switching network. Instead, the transferring of packetized data only is disclosed in Jonas and Arango.

As pointed out with respect to claim 35, accordingly, also the packeting of the data into data packets when transferring the data through the packet-switching network is not disclosed in Arango and Jonas.

Therefore, the Applicants submit that Claim 55 is novel and non-obvious in view of the cited Arango and Jonas references.

Claims 56 - 67 are dependent on Claim 55. As such, these claims are believed allowable based upon Claim 55.

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New independent Claim 68 calls for (underlining added for emphasis): ... Switching apparatus for routing a telephone call comprising non-packetized data from a first end terminal located at a user's premises to a second end terminal located at another user's premises, selectively by line switching or packet switching, the switching apparatus comprising: ... means for establishing a connection through a line-switching network to the second end terminal; ... means for line-switching transferring data received from the first end terminal as non-packetized data over the line-switching network to the second end terminal; ... means for establishing a connection through a packet-switching network to the second end terminal; ... means for packet-switching transferring data received from the first end terminal as non-packetized data over the packet-switching network to the second end terminal; and ... means responsive to a control signal for transferring to a line-switching transfer or a packet-switching transfer to the second end terminal; ... said means responsive to a control signal changing-over to a line-switching data transfer or a packet-switching transfer during the existing transfer with the presence of said control signal.

Claim 68 sets forth a switching apparatus for routing a telephone call comprising non-packetized data from the first end terminal to a second end terminal. Neither Jonas nor Arango disclose the routing of a telephone call or of non-packetized data. They are limited to the transferring of data packets between computers. Accordingly, neither Jonas nor Arango disclose: means for line-switching transferring data received

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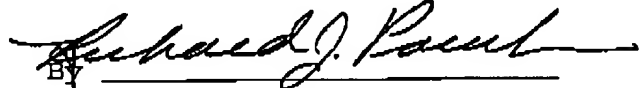
from the first end terminal as non-packetized data over the line-switching network to the second end terminal; and means for packet-switching transferring data received from the first end terminal as non-packetized data over the packet-switching network to the second end terminal.

Accordingly, the Applicants submit that Claim 68 is novel and non-obvious in view of the cited Arango and Jonas references.

Claims 69 - 72 are dependent on Claim 68. As such, these claims are believed allowable based upon Claim 68.

Respectfully submitted,

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